

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

BRENDA K. PRESTON
XXX-XX-2305
951 VAN ZANDT STREET
PARIS, TX 75460

DEBTOR

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CASE NO. 22-41839-R

CHAPTER 13

MOTION TO DISMISS AND SETTING HEARING

THE TRUSTEE REQUESTS THE COURT TO SET THIS MOTION FOR HEARING ON March 22, 2023, AT 10:00 am AS FOLLOWS:

THE MOTION TO DISMISS HEARING WILL BE HELD TELEPHONICALLY. TO OBTAIN A NUMBER AND CONFERENCE CODE FOR THIS HEARING, PLEASE VISIT THE TRUSTEE WEBSITE AT WWW.PLANOCH13.COM

COMES NOW Carey D. Ebert, and files this Motion to Dismiss and Setting Hearing in the above numbered and styled proceeding, and for cause would show the Honorable Court as follows:

1. The Debtor has failed to provide the Trustee with requested documents and/or has failed to properly amend documents on file as more particularly described as follows:

- Tax returns for 2013 through 2021
- Payment advices for debtor (2) current

Such failure constitutes a willful want of prosecution in violation of Local Rule 1017 and constitutes an unreasonable delay by the Debtor that is prejudicial to creditors under 11 USC §1307 (c)(1), and thus cause exists for dismissal.

WHEREFORE, PREMISES CONSIDERED, Carey D. Ebert, prays that this case be dismissed for cause.

Respectfully submitted,

/s/ Carey D. Ebert
Carey D. Ebert, TBN 05332500
Office of the Standing Chapter 13 Trustee
500 North Central Expressway, Suite 350
Plano, Texas 75074
(972) 943-2580

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion to Dismiss and Setting Hearing has been served: upon the following parties in interest via the Court's electronic filing system (ECF), an electronic means the recipient has consented to in writing, by mailing a copy of same to them via first class mail; uploaded to the Court for service by the Bankruptcy Noticing Center to the parties on the Court's mailing matrix on the date set forth below; and upon all parties receiving ECF notice.

BRENDA K. PRESTON
951 VAN ZANDT STREET
PARIS, TX 75460

DIANE S BARRON
BARRON & BARRON
660 NORTH CENTRAL EXPRESSWAY
SUITE 101
PLANO, TX 75074

Dated: February 15, 2023

/s/ Carey D. Ebert

Office of the Standing Chapter 13 Trustee